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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,981	02/26/2002	Samir Narendra Mehta	320037.403	9077

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MOTOROLA INC
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EXAMINER

JONES, PRENELL P

ART UNIT	PAPER NUMBER
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2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/085,981

Applicant(s)

MEHTA ET AL.

Examiner

Prenell P. Jones

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61, 63-74, 77, 78 and 80-96 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 87-92 is/are allowed.
- 6) ☒ Claim(s) 1-61, 63-74, 77, 78 and 80-86 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments with respect to claims 1-61, 63-74, 77, 78 and 80-96 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-31, 50-61, 63-74, 77, 78, and 80-86 are rejected under 35 U.S.C. 101 because independent claims 1, 14, 16 and 17 recite a method and a system, respectively. These claims appear to include a judicial exception, namely an abstract idea. Note that the method steps recited in claim 1 and the system of claim 1 are disclosed by the specification, and claimed as performing computer instructions. Since there are no practical applications claimed, i.e., no physical transformations taken place, nor a useful, concrete and tangible result being produced, the claims are non-statutory. . Claim 2-31 and 51-61, 63-74, 77, 78 depend on claims 1 and 50 respectively therefore, claims 2-31 and 51-61, 63-74, 77, 78 are rejected for the same reason that claims 1 and 50 are rejected.

Claims 32-49 and 93-96 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding independent claim 32, Applicant is claiming a packet/data structure, but Applicant fails to indicate an operation or function that is being implemented through the detailed description of the packet content. In other words, Applicant is just providing descriptive material that is non-functional, and storing it on a computer program storage medium. Claim

33-49, depend on claim 32 therefore, claims 33-49 are rejected for the same reason that claim 32 is rejected.

Regarding claim 93, Applicant is claiming a device that transmits content information and stores it on a computer, but Applicant fails to indicate an operation or function that is being implemented through the detailed description of the content information. In other words, Applicant is just providing descriptive material that is non-functional, and storing it on a computer program storage medium. Claim 94-96, depend on claim 33 therefore, claims 94-96 are rejected for the same reason that claim 93 is rejected.

Claim 81 recites a computer readable medium embodying a method while the method does not define any structural and functional interrelationships between the method and the computer. Note that the claim does not recite the computer readable medium being encoded with compiler executable instructions or computer program or computer software.

Claim 82-86, depend on claims 81 therefore, claims 82-86 are rejected for the same reason that claim 81 is rejected

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 93-96 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The term "operable" in independent claim 93 makes the limitations following it to be optional, which renders the meads and bounds of the claim to be indefinite. Claims 94-96 depend on claim 4; therefore, claims 94-96 are rejected for the same reason.

Allowable Subject Matter

1. Claims 87-92 are allowed over prior art.
2. The following is a statement of reasons for allowance:
3. The prior art fail to teach or suggest fairly with respect to claim 81, automatically transmit packet-based billing data on a per-content basis by logging the amount of data received with an identifier of the content, transmitting logged amount of data with identifier of the content to a server to be accumulated.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

March 16, 2007



CHI PHAM
SUPERVISORY PATENT EXAMINER
3/16/07